



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
Application of the

INTERNATIONAL  
BROTHERHOOD OF  
TEAMSTERS

alleging representation disputes  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended

involving employees of  
NORTHERN AIR CARGO

47 NMB No. 11

CASE NO. R-7543  
(File No. CR-7204)

FINDINGS UPON  
INVESTIGATION-  
AUTHORIZATION OF  
ELECTION

March 4, 2020

This determination addresses the application of the International Brotherhood of Teamsters, Airline Division (IBT or Applicant) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. §152, Ninth (Section 2, Ninth),<sup>1</sup> among “Dispatchers and Crew Schedulers” at Northern Air Cargo (NAC or Carrier). For the reasons set forth below, the National Mediation Board (Board or NMB) concludes that “Dispatchers and Crew Schedulers” do not constitute an appropriate craft or class.

PROCEDURAL BACKGROUND

On May 29, 2019, IBT filed an application alleging a representation dispute involving the “Dispatchers and Crew Schedulers” at NAC. At the time of the application, these employees were not represented by any organization or individual. The application was given NMB File No. CR-7204 and Eileen M. Hennessey was assigned as the Investigator. NAC provided submissions to the

<sup>1</sup> 45 U.S.C. § 151, *et seq.*

Board on June 7 and 21, 2019. The IBT responded to the Carrier's Initial position statement on June 13, 2019.

### ISSUE

Is "Dispatchers and Crew Schedulers" an appropriate craft or class at NAC? What are the representation consequences of that craft or class determination?

### CONTENTIONS

The Carrier argues that the IBT's application should be dismissed because the Applicant has not applied for an appropriate craft or class. The Carrier states that the NMB has never recognized a "Dispatcher and Crew Schedulers" craft or class and that the NAC crew schedulers are part of the Office Clerical craft or class. The Carrier also states that NAC does not employ dispatchers. As an all-cargo carrier, NAC falls under the Federal Aviation Administration's (FAA) supplemental regulations and is not required to have flight dispatchers. The employees covered by the application are flight control agents and crew schedulers.

The IBT states that although the flight dispatchers at NAC are called "flight control agents" they perform the duties of flight dispatchers at any non-cargo airline. In addition, the IBT argues that NAC's flight control agents should be classified with its crew schedulers because both positions share a community of interest.

### FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

#### I.

NAC is a common carrier as defined in 45 U.S.C. § 181.

#### II.

The IBT is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

## III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

## IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

NAC is an all-cargo airline headquartered in Anchorage, Alaska. NAC provides both scheduled and charter air cargo services in Alaska and has hubs in Anchorage, Bethel, and Fairbanks, Alaska. NAC also operates Aircraft, Crew, Maintenance, and Insurance (ACMI) charter services on a worldwide charter basis. The List of Potential Eligible Voters (List) for the “Dispatchers and Crew Schedulers” craft or class submitted to the Board by the Carrier has 16 names on it, of which 12 are identified as flight control agents, and 4 as crew schedulers.

NAC’s flight control agents perform the duties performed by flight dispatchers at passenger airlines. As an all-cargo carrier, the FAA does not require NAC to employ personnel with Aircraft Dispatchers’ certificates. NAC, however, does require all flight control agents to maintain FAA Aircraft Dispatcher Certificates and to comply with all Federal Aviation Regulations (FAR’s) governing flight dispatch. Crew Schedulers are not required to have FAA Dispatcher Certificates or comply with flight dispatch FAR’s.

Flight control agents and crew schedulers work in the System Operation Control Center (SOCC) at NAC’s headquarters. The flight control agents and the manager of the crew schedulers both report to Michael Brannen, Vice President of Systems Operations. Crew schedulers and flight control agents share the same 401(k) plan, health and other benefit plans.

According to Brannen “flight control agents do not perform traditional crew scheduling duties.” However, on occasion, the flight control agents have relayed messages to pilots on behalf of the crew schedulers but as of July 15, 2019, flight control agents no longer relay crew scheduling messages. Brannen also states that:

[F]light control agents have never scheduled crew members for any flights, nor do they monitor or maintain NAC's crew resource management system. In addition, flight control agents do not receive training on federal and company policies applicable to crew scheduling, such as the rules relating to pilot flight and duty time limitations and rest.

### DISCUSSION

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *Southwest Airlines*, 42 NMB 110 (2015), *Louisville & Indiana R.R.*, 41 NMB 82 (2014); *Indiana S. R.R.*, 37 NMB 226 (2010); *Florida N. R.R.*, 34 NMB 142 (2007). The Board makes craft or class determinations case by case, based upon Board policy and precedent. *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988). While the Board has modified traditional craft or classes, as needed, to take into consideration facts unique to a given carrier's operation, the vast majority of the Board's craft or class determinations fall along traditional craft or class lines.

In determining the proper craft or class for employees, the Board is guided by the Representation Manual (Manual) Section 9.1 which states:

In craft or class determinations, the NMB considers many factors, including the composition and relative permanency of employee groupings along craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community of interest existing between job classifications. Previous decisions of the NMB are also taken into account.

The IBT cites *Federal Express*, 22 NMB 215, 222 (1995), to advance its argument that the NMB should create a unique craft or class, combining crew schedulers and flight control agents. In *Federal Express*, the Board noted the "specialized nature" of the carrier's operations and looked at the "distinctive nature of . . . [the Global Operations Control Specialists'] duties and functions" and recognized the craft class of "Global Operations Control Specialists" (GOCS) who performed flight dispatch and package tracking duties. *Id.* The facts in the present case stand in contrast to the facts in *Federal Express*. First, the IBT has not demonstrated NAC's operations, or the crew schedulers' and flight control agents' duties require the Board to depart from precedent and create a unique craft or class at NAC. Second, unlike in *Federal Express*,

above, where the Board created a new craft or class for a job title that fell outside traditional craft or class lines, the IBT is arguing here that the Board should take a small part of one traditional craft or class (Office Clerical Employees) and append it to the Dispatchers craft or class. This is contrary to long-standing Board precedent against fragmenting traditional crafts or classes. *See, e.g., United Airlines*, 6 NMB 180, 183 (1977).

Traditionally crew schedulers are part of the Office Clerical Employees craft or class. *See, e.g., Southwest Airlines*, 43 NMB 132 (2016); *Eastern Airlines*, 12 NMB 29 (1984). In contrast, the Board has traditionally recognized that Dispatchers are a distinct craft or class “based on the fact that the knowledge and skills required to obtain a dispatcher's certificate render Dispatchers a unique group, distinct from Crew Schedulers and other employees in the Office Clerical craft or class.” *Id.* at 36-37; *see also Trans World Airlines*, 7 NMB 465, 473 (1995); *United Air Lines*, 3 NMB 35 (1957). The flight control agents at NAC like dispatchers at other carriers must obtain Federal licenses, and this fact, as in *Trans World Airlines*, *above*, “in itself compels the conclusion that dispatchers are a discrete craft or class by themselves.”

### CONCLUSION

The Board finds that the IBT’s application for “Dispatchers and Crew Schedulers” is not a proper craft or class. The Board finds that the appropriate craft or class is Dispatchers and that crew schedulers are not properly within the Dispatcher craft or class. Accordingly, NMB File No. CR-7204 is converted to NMB Case No. R-7543.

Based on the authorization cards submitted by the Organization, the Board further finds that a dispute exists regarding the representation in the Dispatchers craft or class, and the Board authorizes an election among the craft or class of Dispatchers, employees of NAC using a cut-off date of May 15, 2019. Pursuant to Manual Section 12.1, the Carrier is hereby required to furnish within five calendar days, 1" X 2 5/8", peel-off labels bearing the alphabetized names and current addresses of those employees on the List of Potential Eligible Voters, minus the crew schedulers. The Carrier must print the same sequence number from the List of Potential Eligible Voters beside each voter's name on the address label. The Carrier must also provide to the Board the name and sequence number of those potential eligible voters on military leave who are serving in foreign countries or who reside outside of the United States. The Carrier must use the most expeditious method possible, such as overnight mail, to ensure that the Board receives the labels within five calendar days.

By direction of the NATIONAL MEDIATION BOARD

A handwritten signature in cursive script that reads "Mary L. Johnson". The signature is written in black ink and is positioned above the printed name and title.

Mary L. Johnson  
General Counsel